

March 17 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 10-0101

ED

CHARLES LOKEY and VANESSA LOKEY,

Plaintiffs and Appellants,

v.

ANDREW J. BREUNER and A.M. WELLES, INC.,

Defendants and Appellees.

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STATE OF MONTANA

O R D E R

Before this Court is a Notice of Appeal of the Eighteenth Judicial District Court's February 6, 2009 judgment dismissing Plaintiffs' claims against defendant A. M. Welles, Inc. (Welles), and its June 9, 2009 order denying the remaining parties' cross-motions for summary judgment in Gallatin County Cause No. DV-08-57B, and finding that Charles Lokey violated § 61-8-324, MCA.

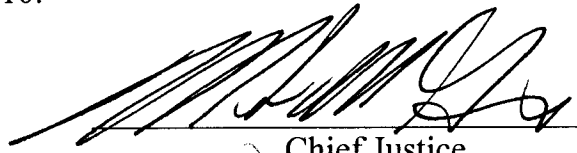
On February 17, 2010, pursuant to Plaintiffs' motion, the District Court certified as final for purposes of appeal its February 6, 2009 judgment dismissing Plaintiffs' claims against Welles. The Plaintiffs did not seek certification of the court's June 9, 2009 order, nor did the court address that order in granting certification.

Pursuant to M. R. App. P. 4(4)(b), we have reviewed the District Court's certification order for compliance with M. R. App. P. 6(6). We conclude the court's certification order complies with the requirements of M. R. App. P. 6(6) and with our caselaw interpreting certification orders under M. R. App. P. 54(b). Therefore,

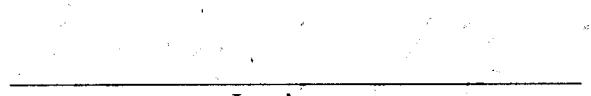
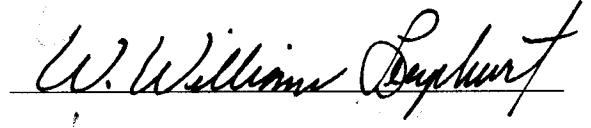
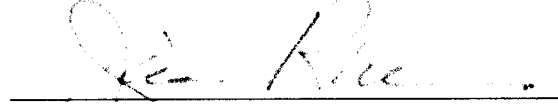
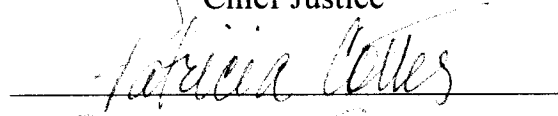
IT IS ORDERED that this appeal is allowed to proceed *only* with respect to the matter certified to us, which is the order of dismissal of Plaintiffs' claims against Welles. We will not review the District Court's June 9, 2009 order.

The Clerk is directed to provide a copy of this Order to all parties of record and to the Hon. Wm. Nels Swandal.

Dated this 16 day of March, 2010.



Chief Justice



Justices